

REMARKS

Initially, in the Office Action dated November 2, 2003, the Examiner rejects claims 1-21 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,417,220 (Holyman et al.).

By the present response, Applicant has canceled claims 1-5, and 10-17. Applicant has amended claims 6 and 9 to further clarify the invention. Claims 6-9 and 18-21 remain pending in the present application.

35 U.S.C. §102 Rejections

Claims 1-21 have been rejected under 35 U.S.C. §102(b) as being anticipated by Holyman et al. Applicant respectfully traverses these rejections.

Holyman et al. discloses a notch filter provided with an ancillary circuit including a non-inverting amplifier and a coupling which enables the filter to form part of an oscillatory loop of which the frequency of oscillation correspond to the frequency of maximum rejection by the notch filter. Measurement of that frequency facilitates the tuning of the notch filter. The gain of the ancillary circuit may be adjusted to change its mode of operation from oscillation to that of a tuned amplifier so that a sweep of the center frequency of the notch filter through a range of interest facilitates a search for an unknown interfering frequency and the simultaneous tuning of the notch filter to reject that interference.

Regarding claims 6 and 18, Applicants submit that Holyman et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, a method of tuning a filter that includes recording the tuning signal which causes

the oscillator to operate at the desired frequency, or a programmable filter that includes a memory for storing at least one digital word, a tuning signal being derived from the at least one digital word. The Examiner asserts that Holyman et al. discloses recording a tuning signal by storing the signal in a register by reference character 6a and 6b (it is assumed the Examiner meant 6 and 6a since 6b does not exist). However, reference characters 6 and 6a are merely capacitors, which can be adjusted to shift frequencies (see col. 2, lines 25-36). This is not recording a tuning signal which causes an oscillator to operate at a desired frequency or a memory for storing at least one digital word that a tuning signal can be derived from, as recited in the claims of the present application. Capacitors 6 and 6a in Holyman et al. are used for tuning the filter. These are not memories or storage devices or used for recording a tuning signal.

Regarding claims 7-9 and 19-21, Applicant submits that these claims are dependent on one of independent claims 6 and 18 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Holyman et al. does not disclose or suggest recording the tuning signal by sampling and holding the tuning signal, or storing the sampled signal in a register.

Accordingly, Applicants submit that Holyman et al. does not disclose or suggest the limitations in the combination of claims 6-9 and 18-21 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 6-9 and 18-21 are now in condition in for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1076.40413X00).

Respectfully submitted,

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